

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-41429  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KISHA ESPARZA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
(98-CR-1-2)

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July 28, 1999

Before HIGGINBOTHAM, WIENER, and PARKER, Circuit Judges.

PER CURIAM:\*

Defendant-Appellant Kisha Esparza appeals the sentence imposed pursuant to her guilty-plea conviction for possession with intent to distribute marijuana. Review of the entire sentencing transcript shows that the district court exercised its discretion in refusing to grant a downward departure and did not harbor the mistaken belief that it had no authority to depart. As such, we lack jurisdiction to review the appeal. See United States v. DiMarco, 46 F.3d 476, 477-78 (5th Cir. 1995).

APPEAL DISMISSED.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.